

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19, 20, 25, 28, 31, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Atsuya et al. (JP 2003-315493).

In Re claim 19, Atsuya discloses a cask buffer body comprising: a shock absorber (see fig. 1) configured to be attached to a cask (not shown), wherein the shock absorber absorbs a shock against the cask by being deformed (see fig. 3), and includes a space (25,65) for adjusting a shock absorbing capability.

In Re claim 20, see holes (65) and bolts (52,62) in the shock absorber.

In Re claim 25, Atsuya discloses the use of laminated blocks of wood (see abstract).

In Re claim 28, 31, and 34, see fig. 6.

Claims 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Asahi (JP 61-40368).

In Re claim 19, Asahi discloses a cask buffer body comprising: a shock absorber (see fig. 6) configured to be attached to a cask (1), wherein the shock absorber absorbs

a shock against the cask by being deformed (see fig. 4), and includes a space (6a,6b,6c) for adjusting a shock absorbing capability.

In Re claim 20, the space is a hole formed in the shock absorber.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25, 28, 31, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asahi (JP 61-40368) as applied to claim 19 above, and further in view of Francois (6,234,311).

In Re claim 25, Asahi teaches the claimed invention except for the use of wood.

Francois teaches forming a shock absorber with wood pieces (5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the shock absorber of Asahi of wood, as taught by Francois, as it is a light weight, cheap, readily available, and efficient shock absorbing material.

In Re claims 28, 31, and 34, see figs. 1-3 of Asahi.

Response to Arguments

Applicant's arguments filed 02 June 2011 have been fully considered but they are not persuasive.

Applicant first argues that Atsuya et al. fail to teach a "space" for adjusting a shock absorbing capability of the buffer body. In response, the examiner points out that claim 19 does not require the "space" to be a cavity or hole. It is the examiner's position that the wood blocks (25) occupy a space, and are configured to adjust the shock absorbing capability of the buffer body. Additionally, the examiner points to holes (65) in the wood blocks (25), which are also understood to meet the limitations of a "space" and a "hole" formed in the shock absorber.

Applicant argues that the buffer body of Asahi is for light objects and not for heavy objects unlike the present invention. In response to applicant's argument, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this case, Asahi discloses all of the claimed features of the invention, and is used to as a shock absorber for a cask.

No further arguments were presented disputing the 35 U.S.C 103(a) rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS IRVIN whose telephone number is (571)270-3095. The examiner can normally be reached on M-F 10-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/

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Examiner, Art Unit 3657